

CHAPTER 1

ADMINISTRATION AND REPORTING

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CHAPTER 1

ADMINISTRATION AND REPORTING

This chapter highlights the steps in getting started and implementing your TxCDBG agreement for successful project management. Prior to implementing a project, a Grant Recipient should put systems in place that will allow it to track and report on its activities as required by its contract with TDA.

1.1 Project Startup

1.1.1. Pre-Agreement

Pre-award costs are those incurred by the Grant Recipient prior to the agreement start date of the TxCDBG grant award directly pursuant to the negotiation and in anticipation of the TxCDBG grant award, where such costs are necessary to comply with the proposed delivery schedule or period of performance. Such costs are allowable only to the extent that they would have been allowable if incurred after the agreement start date of the TxCDBG award and only with the written approval of TDA. **All existing grant rules apply to the pre-agreement period.**

When preparing the grant application, the Grant Recipient may request written approval to utilize the pre-agreement policy in order to pursue early implementation of the project. TDA will notify the Grant Recipient if, in its sole discretion, the agency declines the pre-agreement request. Fund specific requirements and restrictions on the type of activities eligible as pre-agreement costs are addressed in the grant application guidelines.

The screenshot shows the 'Pre-Agreement Strategy' page in the TDA GO! system. The header includes the Texas Department of Agriculture logo and 'COMMISSIONER SID MILLER'. The left sidebar lists various application sections, with 'Pre-Agreement Strategy' highlighted in red. The main content area is titled 'Pre-Agreement Strategy' and includes an 'Attention' button. Instructions state: 'Please complete this page and press the save button. Required fields are marked with an *'. The form contains a section for 'Pre-agreement request for administration & engineering' with a radio button selection for 'Yes' or 'No'. Below this are two numbered paragraphs of text regarding compliance and reimbursement. At the bottom, there are fields for 'Signature' and 'Date'.

Figure 1. Pre-Agreement Strategy signature page

To be eligible for TxCDBG grant funding or match funding, or both, costs incurred during the pre-agreement phase must be incurred

- after the TDA pre-agreement date – Application due date or other date specific to the funding category;
- after the administrative/engineering services contract award date – formal approval by elected body; **and**
- during the contract period identified in the administrative/engineering services contract, i.e., **Time of Performance** in the implementation manual *Appendix D* and *E, Sample Contract*—the services contract period may begin prior to the date that the services contract was executed.

TDA will allow the Grant Recipient to incur costs for CDBG activities before the TxCDBG agreement start date and to charge these pre-agreement costs to the grant, provided that the activities are eligible costs, meet the objectives of the program, and are authorized pursuant to applicable state and/or federal law.

The Grant Recipient may not incur costs or expend any project funds for construction prior to

- meeting the Environmental Review requirements in the TxCDBG agreement (see *Chapter 3*); and
- meeting all special condition requirements in *Exhibit D* of the TxCDBG agreement that are required to release construction funds. See *Chapter 4*.

1.1.2 Grant Agreement Execution

Besides the contractual obligations between the state and the Grant Recipient, the Agreement specifies the following as Exhibits:

- ***Exhibit A – Performance Plan and Specific Award Conditions***
 - Section A Eligible Uses of Funds** – The Performance Statement outlines the scope of the work to be performed under this agreement by activity;
 - Section B Prohibited Activities** – This standard clause reflects activities that cannot be funded through TDA grants;
 - Section C Timeline** – The Timeline identifies key dates for the grant agreement period. Failure to meet these milestones may impact the Grant Recipient for the current grant and/or future grant applications;
 - Section D Special Conditions** – Provisions 1 through 8 are specific to Community Development Block Grants, followed by conditions specific to the requested project;
- ***Exhibit B*** – The budget specifies the agreement budget by line item. This Exhibit also matching funds committed by the Grant Recipient that are necessary to complete the Performance Statement specifics of this agreement;
- ***Exhibit C General Terms and Conditions*** – This Exhibit includes standard provisions for federal grants; and
- ***Exhibit D Certifications and Assurances*** – This Exhibit includes standard certifications to which all TxCDBG Grant Recipients must agree.

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Pre-Agreement Strategy

Certification

CDV - Community Development Fund

Award

Grant Agreement Details

Agreement Certification

Grant Overview

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Agreement Certification

Click here to generate Grant Agreement: [Grant Agreement](#)

Authorized Signatory.
Each person signing the Agreement certifies that he or she is authorized by the Department or Grant Recipient to bind the party on whose behalf they are signing to the terms and conditions in the Agreement.

This Agreement is executed by the Parties in their capacities as stated below.

By checking this box, I agree to use electronic signatures. Furthermore, I confirm that I have signature authority to execute this document and it is an electronic representation of my signature for all purposes when I use it on documents, including legally binding contracts-just the same as a pen-and-paper signature.

<input checked="" type="checkbox"/>	Signature of Grant Recipient Authorized Official Mary Sue	Date 08/08/2021
<input checked="" type="checkbox"/>	Signature of TDA Authorized Official Executive TDA	Date 08/08/2021

< Previous Form

Next Form >

Figure 2. How to view your grant

The chief local official for the Grant Recipient or other local official, designated by resolution and registered in TDA-GO as the Authorized Official, and the TDA Executive Staff both must sign the agreement electronically in TDA-GO before the agreement is considered fully executed. To sign the agreement, navigate to the Agreement Certification page, mark the appropriate checkbox, select the **Save** button in the top right of the page, and change the status of the document by selecting **Grant Pending TDA Signature** in the blue navigation menu.

Ready to Proceed Rule

Prior to executing the agreement, TDA will ensure that existing grant agreements are in good standing and will require that the following are resolved to TDA's satisfaction within ninety days after the grant award date:

- Readiness to proceed issues regarding the current award; and
- Outstanding issues on existing grants regarding compliance with program requirements.

If the issues identified by TxCDBG staff at the time of the funding award are not addressed within the required 90 days, TDA will not execute the grant agreement and the TxCDBG funds awarded may be withdrawn and reallocated.

1.1.3 Establish a Local Administrative Structure

Each Grant Recipient must establish a local administrative structure to complete the grant. The eligible activity and national objective requirements are not met until the project is completed, and there is sufficient documentation to ensure that the project is consistent with the designated national objective.

The Grant Recipient must

- establish a record-keeping system to document compliance with all federal, state, local, and program requirements by
 - keeping all grant files at city or county offices or buildings in which government records are maintained and accessible to the public throughout the grant agreement period.
 - retaining all records for the greater of three years from closeout of the grant to the state, or the period required by other applicable federal and state laws and regulations.
- NOTE:** Closeout of the grant to the state should not be confused with the closeout of the grant to the subrecipient or the Administratively Complete letter. See the TxCDBG website for the current record retention list.
- review local charters, resolutions, ordinances, and policies that may be relevant to the project; and
 - determine whether day-to-day administration of the project will be conducted by local staff or by a certified third-party consultant, and which party will conduct each administrative activity.

TxCDBG program recipients have the final legal responsibility for the locally maintained grant files, the timely submission of reports, and compliance with program guidelines.

BEST PRACTICE: TxCDBG recommends that the Grant Recipient review the *Administrative Activities Checklist (Form A102)* item-by-item and identify the activities to be performed by Grant Recipient staff and those that will require outside assistance. It is also helpful to walk each staff member responsible for implementing the grant through the TxCDBG program requirements.

1.1.4 Administrative Thresholds

Project Schedule

The Grant Recipient will comply with the project schedule included in the grant agreement. Failure to meet any of the milestones below may result in sanctions as outlined in the TxCDBG Project Implementation Manual, Requests for Applications, other published guidance, and conditions of the agreement.

Milestone	Standard Consequences of Failure to Satisfy Milestone on or Before Date Identified in Grant Agreement
Pre-agreement cost begins	n/a
Grant agreement period begins	n/a
Environmental review/plans and specifications recommended to be complete	scoring penalty may applied to future grant applications
Group B forms required to be complete	ineligibility for future grant applications until the milestone is satisfied and/ or initiation of grant termination
Project recommended to be complete, including inspections	n/a
Grant agreement period ends	ineligibility for future grant applications until the milestone is satisfied
Final payment and closeout documentation required to be submitted	deobligation of all remaining grant funds

Figure 2. View the grant agreement to see what steps must be completed for TDA to release funds

Document Groups

TDA program requirements use several documentation groupings to implement certain thresholds. The documents required to be considered in compliance with each group are listed below:

Group A Documents

- Executed TxCDBG Grant Agreement;
- **Grant Overview Page** – The section titled **Designated Personnel** must be completed;

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General Information

Project Feasibility Information

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Project Beneficiaries and Locations

Budget Details

Required Uploads

Pre-Agreement Strategy

Certification

CDV - Community Development Fund

Award

Agreement Certification

Grant Overview

Tools

Grant Overview

Instructions:
Please complete this page and press the Save button.
Required fields are marked with an *

Designated Personnel

Primary Administrative Contact within TDA-GO!

Name

Email

Phone Number

As the Authorized Official, I designate the following individuals to be responsible for critical program requirements:

- Labor Standards Officer - individual responsible for overseeing the labor standards portion of the contract for assuring compliance with all requirements under Chapter 7 of the TxCDBG Project Implementation Manual
- Civil Rights Officer - local official / staff member responsible for oversight and compliance of fair housing and equal opportunity activities as required by the TxCDBG Grant Agreement and Chapter 10 of the TxCDBG Project Implementation Manual

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☐ Authorized Official

Date

Figure 3. Grant Overview page

- **Performance Report – CDBG Group A Report** – Upload all documents identified and complete form details:
 - Resolution adopting or reaffirming community policies to comply with civil rights requirements. See *Chapter 10*;
 - Section 3 service area map. See *Chapter 10*;
 - Fair housing activities. See *Chapter 10*;
 - Limited English proficiency plan – This plan must be specific to the location and the community or area served by the current project. See *Chapter 10*.
- **Related Documents – Materials and Services Report (MSR)**: The MSR must be submitted and accepted for each requested vendor or services provider. See *Chapter 5*.

Group B Documents

- **Grant Overview Page** – For the Special Conditions section, upload documentation needed to satisfy all pre-construction conditions. See *Chapter 4*; and
- **Performance Report – CDBG Environmental Report**. Authority to Use Grant Funds is approved by TDA staff. See *Chapter 3*;
- **Performance Report – CDBG Acquisition Report**. Acquisition Plan page AND Acquired Parcel page must be completed for each property related to the construction activity. See *Chapter 6*;

- **Performance Report – CDBG Group B Report** – Upload these documents and complete form details:
 - Section 3 presentation meeting notes and/or agenda at public meeting; and
 - Photo of temporary signage
- **Related Documents – Materials and Service Report (MSR)** – A separate MSR report must be completed for each requested vendor or services provider. See *Chapter 5*;

Group C Documents

- **Grant Overview Page** – For the Special Conditions section, upload documentation needed to satisfy all construction-related conditions. See *Chapter 4*;
- **Related Documents – Materials and Service Report (MSR) form** – All sections, including the MSR Final Wage Compliance (if applicable) and Work Completed pages, must be completed for all vendors or services providers, documenting that **all** programmatic requirements are met, **all** claims and disputes have been settled, **all** warranties have been received, and **all** liens have been released. See *Chapter 5*; and
- **Related Documents - Payment Requests** – Invoices or similar documentation for costs greater than or equal to amount of matching funds required by the grant agreement.

Group D Documents

- Final payment request;
- Project Completion Report; and
- All requested documentation for monitoring review(s), see *Chapter 13*.

The Mid-Point Progress Threshold

The Grant Recipient must submit all Group A and Group B documents by the date identified as **Group B Forms Required to Be Complete** in the Grant Agreement *Exhibit A, Section C*.

If a Grant Recipient fails to meet this requirement, TDA will begin the process of agreement termination. The TxCDBG agreement ensures that the Grant Recipient will have an opportunity to resolve the deficiency as a part of the termination proceedings. For non-compliance with the Mid-Point Progress Threshold, TDA will initiate a Mid-Point Progress Report in TDA-GO. The Grant Recipient must complete and submit this form within 30 days of the report's initiation, providing a justification for the delay and a schedule for completing the Group A and Group B requirements. TDA will evaluate the response and may continue termination proceedings or suspend those proceedings pending documentation of the Grant Recipient's progress based on the newly proposed schedule.

Thresholds for New Applications Submitted After the Award of a TxCDBG Agreement

The Grant Applicant must demonstrate progress in all current open grant agreements to be eligible to submit an application. See the following example progress threshold requirements for all TxCDBG fund categories. The Grant Applicant Progress Thresholds included in each application guide may vary from the example table below; the Request for Application and Guide thresholds will supersede this chapter.

Fund Category	Original Agreement Period	Mid-Point Progress Threshold	Final Progress Threshold
State Urgent Need Fund	18 months	12 months after agreement start date	18 months after agreement start date
Disaster Relief Fund	12 months	9 months after agreement start date	12 months after agreement start date
FAST Fund	18 months		18 months after agreement start date
Community Development Fund	24 months	12 months after agreement start date	24 months after agreement start date
Downtown Revitalization/ Main Street Fund	24 months		
Colonia Fund (Except Self-Help)	24 months		
Planning Capacity Building Fund	24 months		
Community Enhancement Fund	24 months		
TCF Infrastructure and Real Estate	36 months	18 months after agreement start date	36 months after agreement start date

There are two types of Progress Thresholds, each applicable to TxCDBG agreements where the Agreement Start date is at least the identified number of months prior to the application due date under consideration.

1. **Mid-Point Progress Threshold Requirement** – This rule requires applicants for future TxCDBG funding with existing TxCDBG agreements for which the threshold date has passed to submit all Group A and Group B documents for that grant in order to be eligible to submit a new grant application.
2. **Final Progress Threshold Requirement** – This rule requires the Grant Recipient to complete its TxCDBG project prior to applying for future TxCDBG funding. of the Grant Recipient is considered to have met the Final Progress Threshold, if
 - all activities in the TxCDBG agreement *Performance Statement (Exhibit A)* are complete;
 - a payment request for all remaining TxCDBG funds, excluding single audit costs and other costs explicitly approved in writing as reserved funds by the TxCDBG Director, has been submitted; and
 - the Project Completion Report (PCR) has been submitted in TDA-GO.

In those very limited instances in which the Grant Recipient cannot meet this requirement, please refer to *Chapter 12, Section 12.2.5, Conditional Project Completion*, of this manual.

This threshold will not prevent an eligible applicant from receiving TxCDBG State Urgent Need Fund assistance when the applicant meets the eligibility criteria for the TxCDBG State Urgent Need Fund.

1.1.5 Public Participation

A key component of the program is the opportunity for local residents to express needs and concerns regarding TxCDBG-funded projects to the Grant Recipient.

Public hearings, as required in *Chapters 11 and 12*, and *Section B*, must comply with the following:

- Hearing must be held in a location convenient to the project beneficiaries.
- Hearing must be held at, or after, 5 p.m. on a weekday or on a Saturday or Sunday.
- Grant Recipient must provide accommodation for citizens with disabilities.
- Hearings should be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can be reasonably expected to participate. The Grant Recipient must adhere to its Limited English Proficiency Plan. See *Chapter 10*.
- Grant Recipient must provide notice of the hearing to citizens at least seventy-two hours (three days) prior to the scheduled hearing—including the date, time, location of the hearing, and the topics to be considered.
- Records related to the hearing must be made available to the public as required by Texas Government Code, Chapter 552. Required documentation includes the public hearing notice, sign-in sheet with a list of attendees, the minutes of the hearing, and a summary of public comment(s).

Public Notices are required at several stages of the grant, as described in *Chapters 3, 10, 11*, and *12*, and *Section B*.

- Public Notice may be given in one of three ways:
 - Publish the notice in a newspaper of general circulation;
 - Post the notice in at least two public places accessible to the general public at the time of the posting; it must include the courthouse/city hall and a location within the target area (if applicable); OR
 - Post the notice in one public place accessible to the general public at the time of the posting, such as the courthouse/city hall, **and** post on Grant Recipient's website.
- Posted notices must be in a location accessible to the general public at the time of the posting.
- The Public Notice must include all required information in English and any other appropriate language(s) per the recipient's Limited English Proficiency (LEP) plan. See *Chapter 10 Civil Rights*.
- The Grant Recipient must retain documentation of the Public Notice:
 - **Published Notices** – TDA will accept either a copy of the notice or the full newspaper page on which the notice occurred. The publication text, title, date of publication, name of the newspaper, and page number must be clear and readable, and supported by affidavit. See *Sample Affidavit of Posting (Form A101)*. The original newspaper tear sheet or a photocopy of the notice and a publisher's affidavit must be kept with the Grant Recipient's local file for the public, TDA monitors, and other state or federal inspectors.
 - **Website Notices** – Screen shots of the posting with the date visible must be retained as documentation of the posting.
 - **Posted Notices** – Legible photographs showing the location of the posting are required.
 - **Posted Notices** – Must be supported by affidavit. See *Sample Affidavit of Posting (Form A101)*.

1.2 Reporting and Recordkeeping

1.2.1 Establish a Record-keeping System

- Grant files must be kept at city or county offices or buildings in which government records are maintained and accessible to the public throughout the grant agreement period. Any alternate record storage location must be approved by TDA. All records included in *Recommended Filing System (Form A103)* must be included in the local records.
- Records shall be retained for a minimum of three years from closeout of the grant to the state. TDA will announce the closeout of each state grant and the individual grant agreements that may begin the three-year retention period.
- Documents must be submitted to TDA through TDA-GO unless specifically requested in another format. Documents cannot be uploaded nor accessed on such platforms as Google docs, Dropbox, etc. due to security risks and such action is considered a violation of security policy.

1.2.2 Conflict of Interest

The Grant Recipient must identify any potential conflicts of interest for the TxCDBG funded project. Conflict of interest provisions apply to

- any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a TxCDBG agreement or award; or
- any person or entity that is required to complete some or all work under the TxCDBG agreement in order to meet a national program objective (NPO), that might potentially receive benefits from TxCDBG awards.

The general rule is that no person/entity described above

- exercises or has exercised any functions or responsibilities with respect to TxCDBG activities;
- is in a position to participate in a decision-making process; or
- is in a position to gain inside information with regard to such activities may obtain a financial interest or benefit from a TxCDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a TxCDBG-assisted activity, or with respect to the proceeds of the TxCDBG-assisted activity, either for themselves or those with who they have family or business ties, during their tenure or for one year thereafter.

TDA will evaluate persons in similar roles for benefitting organizations, such as utilities providing service through the project or businesses creating jobs as a result of the project, in determining a conflict of interest. The person may not have an interest in any contract or agreement related to the TxCDBG proceeds/program for themselves or their family/business ties during their tenure or one year after conclusion of their tenure.

Any conflict of interest or apparent conflict of interest **must** be disclosed to TDA in writing as soon as it is known. TDA in its sole discretion will determine whether the situation meets the program definition for a conflict of interest.

EXAMPLE: Central City, Texas applied for TxCDBG funds for a first-time sewer project in the West Addition neighborhood. One of the residents included in the project is the mother-in-law of City Council member Bob Thompson. Councilman Thompson does not have a financial interest in the project; however there is a conflict of interest due to the TxCDBG-funded benefit to be provided to his family member.

Exception to Conflicts of Interest

TDA may grant an exception to the restrictions on non-procurement conflicts of interest on a case-by-case basis if TDA determines that such exception will serve to further the purpose of the TxCDBG project and the effective and efficient administrative of the project. The written request must address all elements identified in 24 CFR § 570.489(h)(4).

Under no circumstances can TDA provide a waiver or exception for conflicts of interest related to procurement of goods or services.

EXAMPLE: A mayor pro-tem of a city is willing to sell the city a parcel of property on main street which would be the ideal location for a proposed senior community center. This transaction would involve the acquisition of real property and is *not* considered procurement of goods or services. Therefore, the city could ask TDA to grant an exception to the apparent conflict of interest.

Some Determinations of Conflicts of Interest:

- Grantee officials or staff who have relatives who may benefit from a sub-applicant's programmatic activities.
- Elected officials voting on awarding of contracts to vendors where a family member is on the staff.
- Selection of a single individual or firm to serve as both the grant administrator and the project engineer.
- Selection of an individual or firm to provide administrative or engineering services, where the individual or firm has previously assisted in preparing the grant application.

Code of Conduct

Every Grant Recipient must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. See *Sample Code of Conduct* in *Appendix C*. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the Grant Recipient. The Grant Recipient may choose to broaden local conflict of interest policies to additional family members and relatives.

1.2.3 Grant Overview Information

Each Grant Recipient must update information for the TDA-GO Grant Overview as appropriate.

- **Assignment of Responsibilities**
 - Primary Administrative Contact – Local contact or consultant that should be contacted for status updates, clarifications, etc.
 - Labor Standards Officer – Local contact or consultant responsible for overseeing the labor standards portion of the grant. This entry must be made by the Authorized Official.

- Civil Rights Officer – Local contact responsible for oversight and compliance of fair housing and equal opportunity activities. This entry must be made by the Authorized Official.
- **Agreement Special Conditions** – Documentation demonstrating compliance with each condition must be uploaded at the condition is satisfied.
- **Force Account** – See *Chapter 8* for details.
- **Eligible Costs not Reported on the MSR** – Record all project costs that have not been reported on the Materials and Services Record, see *Chapter 5*. Examples include costs for acquisition of property and grant-funded utility connection fees.
- **Special Requests** – For requests not otherwise identified in TDA-GO, briefly describe the request and request all appropriate supporting documentation. Examples include requests for non-competitive procurement approval and requests related to conflicts of interest.

The Grant Overview page also includes a section titled Hold Status. TDA staff will update this section as necessary based on identified compliance and/or progress issues.

1.2.4 Payment Requests and Progress Reports

Payment requests and progress reports are completed in TDA-GO.

Performance Reports include the following

- Environmental Review (see *Chapter 3*)
- Acquisition Report (see *Chapter 6*)
- Group A Report (see *Chapter 2*)
- Group B Report (see *Chapter 2*)
- Performance Report (general) – Progress reports of the status of each project shall be provided by the Grant Recipient on a voluntarily basis, or when TDA requests a progress report. No longer is a payment request connected to a progress report.

To initiate a payment or performance report, select *Initiate Related Doc* in the navigation menu. Ensure that the appropriate Agreement Number and document type are identified and select **Create**. See Figure 4.

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Community Development Block Grant 2021	CDBG - Community Development Fund - 2021	Application	
CDV21-0110			
Organization Test Grantee Organization	Your Role Authorized Official	Period Date 12/31/2021 11:59:00 PM	Due Date 8/31/2021 11:59:00 PM

▸ Document Status History

Initiate Related Doc

Payment Request

Performance Report

Figure 4. Payment requests and progress reports are completed in TDA-GO

TxCDBG Grant Specialists may request updated progress information as needed. Failure to respond to such requests, as well as unresolved programmatic issues, monitoring findings, and/or audit findings will result in the grant agreement being considered out of compliance. The agreement shall remain out of compliance until all issues have been satisfactorily resolved. Non-compliance could affect future funding for a locality and may result in holds on submitted draw requests.

Agreements that continue to fall behind schedule and do not meet the target dates established by the plan of action timeline may be subject to termination and deobligation of funds. In very limited circumstances, extension requests for such projects will be considered where extenuating circumstances beyond the control of the Grant Recipient exist and the Grant Recipient demonstrates diligent efforts to resolve the issues preventing progress on the projects. See *Chapter 11.3 Grant Period Extensions*.